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| 10/598,272 | 08/23/2006 | Richard M. Miller-Smith | GB040049 | 2106 |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

| EXAMINER |
|---|
| MURRAY, DANIEL C |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/598,272 | MILLER-SMITH, RICHARD M. |
| | Examiner | Art Unit |
| | DANIEL C. MURRAY | 2443 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on <u>23 AUG 2006</u>.

2a)☐ This action is **FINAL**.        2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All    b)☐ Some *   c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>03MAY2007</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

### *Priority*

1.      Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

The certified copy has been filed in parent Application No. 10/598272, filed on 23AUG2006.

### *Information Disclosure Statement*

2.      The information disclosure statement submitted on 03MAY2007 has been considered by the

Examiner and made of record in the application.

### *Specification*

3.      The title of the invention is not descriptive.  A new title is required that is clearly indicative

of the invention to which the claims are directed.

        The specification has not been checked to the extent necessary to determine the presence of

all possible minor errors.  Applicant's cooperation is requested in correcting any errors of which

Applicant may become aware in the specification.

### *Claim Objections*

4.      **Claim 16** is objected to because of the following informalities:

    ➤ **Claim 16:** improper dependency, claim 16 depends on itself; for the purposes of

    examination claim 16 will be interpreted as depending on claim 15.

Appropriate correction is required.

5.        Applicant is advised that should **claim 11** be found allowable, **claim 12** will be objected to

under 37 CFR 1.75 as being a substantial duplicate thereof.  When two claims in an application are

duplicates or else are so close in content that they both cover the same thing, despite a slight

difference in wording, it is proper after allowing one claim to object to the other as being a

substantial duplicate of the allowed claim.  See MPEP § 706.03(k).


### *Claim Rejections - 35 USC § 101*

6.        35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any
> new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of
> this title.

**Claims 1-14** are rejected under 35 U.S.C. 101 because the claimed invention is directed to

non-statutory subject matter.  **Claims 2-10 and 14** are rejected by virtue of their dependence on

**claim 1.**

**Claims 1-14** are rejected under 35 U.S.C. 101 as not falling within one of the four statutory

categories of invention.  While the claims recite a series of steps or acts to be performed, a statutory

"process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying

subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski

88 USPQ2d 1385. The claims are neither positively tied to a particular machine that accomplishes

the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a

statutory process.   The method of updating user interface data in a server-client system (10)

arrangement of electronic products including a server sending a message is broad enough that the

claim could be completely performed mentally, verbally or without a machine nor is any

transformation apparent.

**Claims 11 and 12** state: **A computer program product** directly loadable into the internal

memory of a digital computer, comprising **software code portions** for performing the method of

claim 1 when said product is run on a computer.

**Claim 13** states: **A carrier,** which may comprise **electronic signals,** for a computer

program of claim 12.

Applicant attempts to claim non-statutory subject matter by grouping software and signals

under the term computer readable media. Applicant fails to claim a proper computer readable

medium and thus fails to fall within in a statutory category and is thus, per se, considered software/a

signal.

## *Claim Rejections - 35 USC § 102*

7.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.      **Claims 1-6 and 9-30** are rejected under 35 U.S.C. 102(e) as being anticipated by **Chasen et**

**al. (US Patent # US 6,670,721 B1).**

a) Consider **claim 1,** Chasen et al. clearly show and disclose, a method of updating user

interface data in a server-client system (10) arrangement of electronic products, the method

comprising: a server (12) sends a message to the system concerning a node (28, 54) in a hierarchical

array of a user interface (abstract, column 1 lines 40-50, column 2 lines 8-14, column 4 lines 51-64),

the message providing an indication of what is the most recent data for the user interface node

(abstract, column 1 lines 51-62, column2 lines 15-21, column 4 lines 51-64), and the server monitors

the system for a response to that message (column 2 lines 35-44).

b) Consider **claim 2,** and **as applied to claim 1 above,** Chasen et al. clearly show and

disclose, a method according to claim 1 wherein, if the server (12) receives a response, the server

sends the most recent data for that user interface node (28, 54)(abstract, column 1 lines 51-62,

column 2 lines 15-21, column 4 lines 51-64).

c) Consider **claim 3,** and **as applied to claim 1 above,** Chasen et al. clearly show and

disclose, a method according to claim 1 wherein the message includes information on the current

data for the node (28, 54) and, if the client (14, 16) does not have that current data, a response is

sent (figure 7, column 16 lines 41-48).

d) Consider **claim 4,** and **as applied to claim 1 above,** Chasen et al. clearly show and

disclose, a method according to claim 1 wherein the message-sending and response-monitoring

operations are repeated for a number of nodes (28, 54) in the array (abstract, column 1 lines 51-62,

column 2 lines 15-21).

e) Consider **claim 5,** and **as applied to claim 1 above,** Chasen et al. clearly show and

disclose, a method according to claim 1 wherein the array is arranged in a plurality of groups of user

interface actions (abstract, column 1 lines 51-62, column 2 lines 15-21) and, when a response has

been received, the server (12) sends a message concerning the next node (28, 54) in the same user

interface group as the previous node (abstract, column 1 lines 51-62, column 2 lines 15-21).

f) Consider **claim 6,** and **as applied to claim 1 above,** Chasen et al. clearly show and

disclose, a method according to claim 1 wherein the array is arranged in a plurality of groups of user

interface actions (abstract, column 1 lines 51-62, column 2 lines 15-21) and, when no response has

been received, the server (12) sends a message concerning a node (28, 54) in a subsequent user

interface group of the array (column 15 lines 59-67 column 16 lines 1-28).

g) Consider **claim 9,** and **as applied to claim 1 above,** Chasen et al. clearly show and

disclose, a method according to claim 1 comprising the client (14, 16) indicating where in the array

updating is required (column 1 lines 51-62, column 2 lines 15-21, column 4 lines 51-64).

h) Consider **claim 10,** and **as applied to claim 1 above,** Chasen et al. clearly show and

disclose, a method according to claim 1 wherein the client (14, 16) send information of the oldest

data beneath the node for cache updating (column 15 lines 59-67, column 16 lines 1-28).

i) Consider **claim 11,** and **as applied to claim 1 above,** Chasen et al. clearly show and

disclose, a computer program product directly loadable into the internal memory of a digital

computer, comprising software code portions for performing the method of claim 1 when said

product is run on a computer (column 6 lines 30-48 lines 63-67, column 7 lines 1-7).

j) Consider **claim 12,** and **as applied to claim 1 above,** Chasen et al. clearly show and

disclose, a computer program directly loadable into the internal memory of a digital computer,

comprising software code portions for performing the method of claim 1 when said program is run

on a computer (column 6 lines 30-48 lines 63-67, column 7 lines 1-7).

k) Consider **claim 13,** and **as applied to claim 12 above,** Chasen et al. clearly show and

disclose, a carrier, which may comprise electronic signals, for a computer program of claim 12

(column 6 lines 30-48 lines 63-67, column 7 lines 1-7).

l) Consider **claim 14,** and **as applied to claim 11 above,** Chasen et al. clearly show and

disclose, electronic distribution of a computer program product of claim 11 (column 6 lines 30-48

lines 63-67, column 7 lines 1-7).

m) Consider **claim 15,** Chasen et al. clearly show and disclose, a system (10) for updating user interface data in a server-client system (10) arrangement of electronic products, the system comprising: a server (12) to send a message to the system concerning a node (28, 54) in a hierarchical array of a user interface (abstract, column 1 lines 40-50, column 2 lines 8-14, column 4 lines 51-64), the message providing an indication of what is the most recent data for the user interface node (abstract, column 1 lines 51-62, column2 lines 15-21, column 4 lines 51-64), the server to monitor the system for a response to that message (column 2 lines 35-44).

n) Consider **claim 16,** and **as applied to claim 15 above,** Chasen et al. clearly show and disclose, a system (10) according to claim 16 wherein the server (12) has means to send the most recent data for that user interface node (28, 54) if the server receives a response (abstract, column 1 lines 51-62, column 2 lines 15-21, column 4 lines 51-64).

o) Consider **claim 17,** and **as applied to claim 15 above,** Chasen et al. clearly show and disclose, a system (10) according to claim 15 wherein the message includes information on the current data for the node (28, 54) and comprising means to send a response if the client does not have that current data (figure 7, column 16 lines 41-48).

p) Consider **claim 18,** and **as applied to claim 15 above,** Chasen et al. clearly show and disclose, a system (10) according to claim 15 comprising means to repeat message-sending and response-monitoring operations for a number of nodes (28, 54) in the array (abstract, column 1 lines 51-62, column 2 lines 15-21).

q) Consider **claim 19,** and **as applied to claim 15 above,** Chasen et al. clearly show and disclose, a system (10) according to claim 15 wherein the array is arranged in a plurality of groups of user interface actions (abstract, column 1 lines 51-62, column 2 lines 15-21) and the server (12) has

means to send a message concerning a node (28, 54) in the same user interface group as the previous node, when a response has been received (abstract, column 1 lines 51-62, column 2 lines 15-21).

r) Consider **claim 20,** and **as applied to claim 15 above,** Chasen et al. clearly show and disclose, a system (10) according to claim 15 wherein the array is arranged in a plurality of groups of user interface actions (abstract, column 1 lines 51-62, column 2 lines 15-21) and the server (12) sends a message concerning a node (28, 54) in a subsequent user interface group of the array, when no response has been filed (column 15 lines 59-67 column 16 lines 1-28).

s) Consider **claim 21,** Chasen et al. clearly show and disclose, a server (12) for a system (10) for updating user interface data in a server-client arrangement of electronic products, the server having means to send a message to the system concerning a node (28, 54) in a hierarchical array of a user interface (abstract, column 1 lines 40-50, column 2 lines 8-14, column 4 lines 51-64), the message providing an indication of what is the most recent data for the user interface node (abstract, column 1 lines 51-62, column2 lines 15-21, column 4 lines 51-64), the server having means to monitor the system for a response to that message (column 2 lines 35-44).

t) Consider **claim 22,** and **as applied to claim 21 above,** Chasen et al. clearly show and disclose, a server (12) according to claim 21 wherein the server has means to send the most recent data for that user interface node (28, 54) if the server receives a response (abstract, column 1 lines 51-62, column 2 lines 15-21, column 4 lines 51-64).

u) Consider **claim 23,** and **as applied to claim 21 above,** Chasen et al. clearly show and disclose, a server (12) according to claim 21 wherein the message includes information on the current data for the node (28, 54) and comprising means to send a response if the client does not have that current data (figure 7, column 16 lines 41-48).

v) Consider **claim 24,** and **as applied to claim 21 above,** Chasen et al. clearly show and disclose, a server (12) according to claim 21 comprising means to repeat message-sending and response-monitoring operations for a number of nodes in the array (abstract, column 1 lines 51-62, column 2 lines 15-21).

w) Consider **claim 25,** and **as applied to claim 21 above,** Chasen et al. clearly show and disclose, a server (12) according to claim 21 wherein the array is arranged in a plurality of groups of user interface actions (abstract, column 1 lines 51-62, column 2 lines 15-21) and the server has means to send a message concerning a node (28, 54) in the same user interface group as the previous node, when a response has been received (abstract, column 1 lines 51-62, column 2 lines 15-21).

x) Consider **claim 26,** and **as applied to claim 21 above,** Chasen et al. clearly show and disclose, a server (12) according to claim 21 wherein the array is arranged in a plurality of groups of user interface actions (abstract, column 1 lines 51-62, column 2 lines 15-21) and the server send a message concerning a node (28, 54) in a subsequent user interface group of the array, when no response had been filed (column 15 lines 59-67 column 16 lines 1-28).

y) Consider **claim 27,** Chasen et al. clearly show and disclose, a client (14, 16) for updating user interface data in a server-client system (10) arrangement of electronic products, the client having means to receive a message to the system concerning a node in a hierarchical array of a user interface (abstract, column 1 lines 40-50, column 2 lines 8-14, column 4 lines 51-64), the message providing an indication of what is the most recent data for the user interface node (abstract, column 1 lines 51-62, column2 lines 15-21, column 4 lines 51-64).

z) Consider **claim 28,** and **as applied to claim 27 above,** Chasen et al. clearly show and disclose, a client (14, 16) according to claim 27 comprising means to send a response to a message if the client does not have the current data for that node (28, 54) (figure 7, column 16 lines 41-48).

aa) Consider **claim 29,** and **as applied to claim 27 above,** Chasen et al. clearly show and

disclose, a client (14, 16) according to claim 27 wherein the array is arranged in a plurality of groups

for user interface actions (abstract, column 1 lines 51-62, column 2 lines 15-21) and a server (12) has

means to send a message concerning a node in the same user interface group as the previous node,

when a response has been received (abstract, column 1 lines 51-62, column 2 lines 15-21).

bb) Consider **claim 30,** and **as applied to claim 27 above,** Chasen et al. clearly show and

disclose, a client (15, 16) according to claim 27 wherein the array is arranged in a plurality of groups

of user interface actions (abstract, column 1 lines 51-62, column 2 lines 15-21) and a server sends a

message concerning a node in a subsequent user interface group of the array, when no response has

been filed (column 15 lines 59-67 column 16 lines 1-28).


### *Claim Rejections - 35 USC § 103*

9.        The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains.  Patentability shall not be negatived by the manner in which the
> invention was made.

10.       The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966),

that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a)

are summarized as follows:

1.        Determining the scope and contents of the prior art.
2.        Ascertaining the differences between the prior art and the claims at issue.
3.        Resolving the level of ordinary skill in the pertinent art.
4.        Considering objective evidence present in the application indicating obviousness or
          nonobviousness.

11.    **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Chasen et al. (US**

**Patent # US 6,670,721 B1)** in view of **Lee (US Patent Publication # US 2004/0085980 A1).**

a) Consider **claim 7,** and **as applied to claim 1 above,** Chasen et al. clearly show and

disclose, a method according to claim 1. However, Chasen et al. does not specifically disclose the

server (12) sending a message having data including a time stamp to indicate the last time that the

data was up-dated.

Lee shows and discloses system for maintaining a transaction cache consistency in a mobile

communication network, wherein Lee discloses the server sending a message having data including a

time stamp to indicate the last time that the data was up-dated (paragraph [0026], [0027]).

One of ordinary skill in the art at the time the invention was made would have been

motivated to combine the teachings of Lee and Chasen et al. since both concern updating data and

as such, both are with in the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the

invention was made to incorporate including a time stamp indicating the time of the last data update,

as taught by, Lee into the system of Chasen et al. for the purpose of updating data (Lee; abstract),

thereby ensuring that the latest data is used.


12.    **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Chasen et al. (US**

**Patent # US 6,670,721 B1)** in view of **McKnight et al. (US Patent Publication # US**

**2003/0097369 A1).**

a) Consider **claim 8,** and **as applied to claim 1 above,** Chasen et al. clearly show and

disclose, 1a method according to claim 1. However, Chasen et al. does not specifically disclose

storing data concerning the user interface nodes (28, 54) in a cache (24) at a client (14, 16).

McKnight et al. show and disclose dynamic generic framework for distributed tooling

comprising a system for creating, storing and manipulating objects, which includes a datastore, a

user interface and tools, wherein McKnight et al. discloses storing data concerning the user interface

nodes in a cache at a client (abstract, paragraph [0019], [0057].

One of ordinary skill in the art at the time the invention was made would have been

motivated to combine the teachings of McKnight et al. and Chasen et al. since both concern

updating data displayed via a user interface and as such, both are with in the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the

invention was made to incorporate storing data concerning a user interface in a cache, as taught by,

McKnight et al. into the system of Chasen et al. for the purpose of maintaining a copy of the

datastore on the client (McKnight; paragraph [0057], [0058]), thereby allowing fast access to data and

allowing the same interface to be used for multiple environments.


## *Conclusion*

13.     The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

| | | |
|---|---|---|
| ➢ 2002/0120932 A1 | ➢ US 7,313,591 B2 | ➢ US 2006/0100978 A1 |
| ➢ US 7,521,625 B2 | ➢ US 2008/0086494 A1 | ➢ US 2004/0225762 A1 |
| ➢ US 7,512,622 B2 | ➢ US 2007/0124680 A1 | ➢ 6,125,369 |
| ➢ US 7,505,958 B2 | ➢ US 2007/0074118 A1 | ➢ US 2006/0026189 A1 |
| ➢ US 7,475,078 B2 | ➢ US 2007/0038941 A1 | ➢ US 2005/0138160 A1 |
| ➢ US 7,434,170 B2 | ➢ US 2006/0168340 A1 | |

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to DANIEL C. MURRAY whose telephone number is 571-270-1773.  The

examiner can normally be reached on Monday - Friday 0800-1700 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571)-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DCM/
Examiner, Art Unit 2443

/George C Neurauter, Jr./

Primary Examiner, Art Unit 2443